

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____

JAN 03 2002

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

NCS HEALTHCARE OF MARYLAND, INC., an
Ohio corporation, d/b/a APPLE INSTITUTIONAL
PHARMACY
3201 Enterprise Parkway, #220
Beachwood, Ohio 44122
Attn: Marybeth Levine/David Stacy

Plaintiff,

Case No. JFM 01 CV 2915

vs.

McCREADY FOUNDATION, INC.,
a Maryland Corporation, d/b/a THE
EDWARD T. McCREADY MEMORIAL
HOSPITAL, d/b/a PEYTON
PSYCHOGERIATRIC CENTER, and
d/b/a ALICE BYRD TAWES
NURSING HOME.

Serve On: Jack A. Willing, Jr., Esq .
11739 Somerset Ave.
P.O. Box 567
Princess Anne, MD 21853

Defendants.

**STIPULATION AND CONSENT ORDER ENTERING PARTIAL FINAL
JUDGMENT**

Upon the consent of Plaintiff NCS Healthcare of Maryland, Inc., d/b/a Apple Corporation, and Defendant McCready Foundation, Inc. d/b/a The Edward T. McCready Memorial Hospital, d/b/a Peyton Psychogeriatric Center, d/b/a Alice Byrd Tawes Nursing Home (collectively "Defendant"), the Court having subject matter jurisdiction and personal jurisdiction over this case, summons having been served, and Defendant having admitted by an Amended Answer attached hereto that the debt due to Plaintiff as of October 1, 2001 is Five Hundred Forty Two

01/03/02

[Handwritten signature]

Thousand Ninety-five dollars and Twenty-Four cents (\$542,095.24), that amount not being subject to any offset, defense or counterclaim as of the date of entry of this order, and the Court finding that there is no just reason for delay of entry of final judgment as to the amount due through October 1, 2001, and finding that entry of final judgment as to the amount due through October 1, 2001 should be expressly directed, it is this ____ day of January, 2002 hereby ORDERED:

Judgment is entered in the amount of Five Hundred Forty Two Thousand Ninety-five dollars and Twenty-Four cents (\$542,095.24);

Pursuant to Rule 54, the Court expressly directs and states that there is no just reason for delay of entry of final judgment, and expressly directs entry of this judgment in the amount of Five Hundred Forty Two Thousand Ninety-five dollars and Twenty-Four cents (\$542,095.24) as a final judgment.

Dated: January 3, 2002

J. Frederick Motz
J. FREDERICK MOTZ,
U.S. DISTRICT JUDGE

Consented to as to form and substance:

JONES & BRUCE, P.A.

Charles A. "Tony" Bruce

Charles A. Bruce, Esq.

Fed. Bar No. 10828

11739 Somerset Ave.

P.O. Box 567

Princess Anne, MD 21853-0567

*by permission
per attached fax
of Schumm*

DANEKER, MCINTIRE, SCHUMM, PRINCE
GOLDSTEIN, MANNING & WIDMANN, P.C.

Bernd Schumm

BROOKE SCHUMM, III
Fed Bar. No. MD 05001
Daneke, McIntire, Schumm, Prince
Goldstein, Manning & Widmann, P.C.
210 N. Charles Street, Suite 800
Baltimore, MD 21201
Attorney for Plaintiff

Thousand Ninety-five dollars and Twenty-Four cents (\$542,095.24), that amount not being subject to any offset, defense or counterclaim as of the date of entry of this order, and the Court finding that there is no just reason for delay of entry of final judgment as to the amount due through October 1, 2001, and finding that entry of final judgment as to the amount due through October 1, 2001 should be expressly directed, it is this ____ day of January, 2002 hereby ORDERED:

Judgment is entered in the amount of Five Hundred Forty Two Thousand Ninety-five dollars and Twenty-Four cents (\$542,095.24);

Pursuant to Rule 54, the Court expressly directs and states that there is no just reason for delay of entry of final judgment, and expressly directs entry of this judgment in the amount of Five Hundred Forty Two Thousand Ninety-five dollars and Twenty-Four cents (\$542,095.24) as a final judgment.

Dated: _____

J. FREDERICK MOTZ,
U.S. DISTRICT JUDGE

Consented to as to form and substance:

IONES & BRUCE, P.A.

Charles A. Bruce Jr.
Charles A. Bruce, Esq.
Fed. Bar No. ~~18828~~ 08184
11739 Somerset Ave.
P.O. Box 567
Princess Anne, MD 21853-0567

DANEKER, MCINTIRE, SCHUMM, PRINCE
GOLDSTEIN, MANNING & WIDMANN, P.C.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NCS HEALTHCARE OF MARYLAND, INC. : CASE NO. JFM- 01-CV-2915
An Ohio Corporation,
d/b/a APPLE INSTITUTIONAL PHARMACY :
Plaintiff

vs. :

McCREADY FOUNDATION, INC. :
d/b/a EDWARD T. McCREADY MEMORIAL
HOSPITAL, d/b/a PEYTON PSYCHOGERIATRIC
CENTER, and d/b/a ALICE BYRD TAWES :
NURSING HOME
Defendant :

AMENDED ANSWER TO COMPLAINT

Defendant, McCready Foundation, Inc., by and through its attorneys, Jones & Bruce, P.A. hereby files this amended answer to Plaintiff's complaint as to certain paragraphs as follows:

1. Defendant admits, in the alternative, the allegations contained in paragraph 12 of the complaint.
2. Defendant admits, in the alternative, the allegations contained in paragraph 21 of the complaint.
3. Defendant admits, in the alternative, the allegations contained in paragraph 36 of the complaint.

WHEREFORE, Defendant respectfully requests this Court accept the amended answer to Plaintiff's complaint filed by Defendants in the above referenced case.

Jones & Bruce, P.A.

By: Jack A. Willing, Jr.
Jack A. Willing, Jr.
Federal Bar No. 10828
P.O. Box 567
Princess Anne, MD 21853
410-651-2747
Counsel for Defendant